THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

WRIT PETITION No.18863 of 2000

Dated: 27-09-2007

-

Between:

Hari Padmanabha Sastry and two others

Petitioners

And

The Municipal Corporation
Warangal, Rep. by its Commissioner
And two others

Respondents

ORDER:

1 The case of the petitioners is that respondents issued a notification under Land Acquisition Act on 08.10.1976 for acquiring 816 of Sq. yards out of 10 guntas belonging to them for laying the road and subsequently dropped the proposals but later encroached into the

land of 15 X 4 feet belonging to them and have unauthorisedly laid a road and so the respondents may be directed to pay compensation to them for that extent.

2 On behalf of the respondents, Commissioner of the first respondent-Municipality filed a counter affidavit *inter alia* contending that the Municipality did not lay any road and did not encroach into any part of the land belonging to the petitioners and that the petitioners had in fact sold away 267.80 Sq. yards of site belonging to them in 1992 by executing registered sale deed in favour of P.Aruna wife of Narasinha and so petitioners are not entitled to any relief.

3 Heard Sri V. Durga Nageswara Rao for first respondent.

4 Since the petitioners are alleging encroachment of their land by laying a road and since the first respondent in his counter affidavit denied the laying of road and encroaching into the land belonging to the petitioners, and since disputed questions of fact cannot be gone into in a writ petition, if the petitioners have any grievance relating to the land belonging to them being encroached upon by the respondents, their remedy is to go to a civil Court for appropriate relief, by proving the encroachment by the respondents.

5 Therefore, the writ petition is dismissed. No costs.

---

kvsn 27-09-2007